

Butte County Department of Agriculture Pesticide Use Enforcement Program Planning Guidance and Evaluation Fiscal Years 2007/2008 and 2008/2009

County Resources

The county resources stated below show the division of pesticide use enforcement (PUE) time as a fully staffed department. In fiscal year (FY) 2007/2008, the division of time may fluctuate due to the resignation of the Assistant Commissioner in August 2007. Prior to the end of FY 07/08, the department should once again be fully staffed.

- Assistant - 1: 60% of time in PUE program.
- Deputy - 1: 60% of time in PUE program.
- Supervising Biologists - 2: 60% of time in PUE program.
- Inspectors - 6: 60% of time in PUE program.
 - 2 - Senior Biologists
 - 2 - Inspector III
 - 2 - Inspector II
- No additional staff person currently trained to perform PUE
- Approximate percentages of work time required for additional programs performed by staff conducting PUE activities are as follows:
 - Pest Exclusion: 25%
 - Pest Detection: 2%
 - Certified Seed/Seed: 5%
 - Nursery: 2%
 - Direct Marketing: 3%
 - Organic: 2%
 - Crop Statistics: 1%

A. Restricted Materials Permitting (RMP)

RMP - Permit Evaluation

- Approximate restricted material permits issued annually: 1,120 Agricultural and 44 Non-ag.
- The majority of the permits issued are for phenoxy herbicides, paraquat, aluminum phosphide, strychnine, carbaryl, molinate and cyhalofop butyl.
- Permits are approved and issued by nine licensed and trained staff:
 - Deputy issues 10% of permits
 - Supervisors issue 25% of permits
 - Inspectors issue 65% of permits
- All restricted material permits are issued in our main office or one of our district offices.
- All restricted material permits are prescreened for hazards necessitating denials.

- Restricted permits are only issued or renewed after verification of having passed private or qualified applicator certification exam.
- County administers private applicators exam on an individual basis.
- Appointment is required for permit issuance and certification exam. Ability to issue permits and exams without a permit varies by office, staffing and permit calendar.
- Permit time varies by season and permittee, averaging approximately 1 hour.
- Administering private applicator exams takes an average of 1.5 hour.
- Issuance or renewal of restricted material permits includes an evaluation of potential adverse environmental impact or health effects based on the following:
 - A review of current maps or development of new maps to evaluate surrounding and adjacent properties. The Oroville and Chico district offices identify and map growing sites on the “Ag GIS” program. The Gridley district office uses aerial maps taken in 2003.
 - Discussion with the applicant.
 - Knowledge of our local area.
- Permits are entered into the “Ag GIS” program or, if not available, the existing Restricted Materials Permit Program (RMPP) and printed out for signature. Permittees are each given 3 copies of their permit, including all maps.
- A Letter of Authorization is required for issuance or signature of a permit by anyone other than the property operator.
- Permits are valid for one year, expiring on December 31st of each year; exception -- permits exclusively for rice expire on March 31st of the year after they are issued. The extension of the permit allows the grower to complete preplant work and to not come into the office until all rice chemical permit conditions have been determined. All growers with an expired private applicators certificate must renew their certification upon expiration.
- All production agriculture permits are site specific and maps are required.
- Sites on each permit are identified in a manner that most simplifies identification for both the grower and our department.
- Adjacent crops and sensitive areas are identified on each map.
- Handouts reviewed with permittee are designated and checked-off on the Butte County Pesticide Permit Conditions. These conditions are reviewed and reissued each year. Grower or Pest Control Business must sign the permit conditions before RMP is issued.
- Permittee's pesticide use reporting history and noncompliance or enforcement action history is reviewed and discussed (if applicable) before RMP is issued.
- Permittees are asked if they have employees who handle pesticides; Worker Protection Standard (WPS) regulations are reviewed with permittees that have employees who handle chemicals.
- Approximately 4,000 NOIs are received each year.
- Notices of Intent (NOIs) are required for all production agriculture applications of restricted materials. NOIs must be submitted to our office at least 24 hours in advance of the application.
- NOIs may be submitted in person, by phone or fax machine. Our main office has a dedicated NOI line for growers to verbally submit NOIs. NOIs are only picked up on weekends during rice season.
- NOIs are submitted on a log sheet developed by Butte County to ensure all required information is properly submitted. Log sheets may be used by the permittee as a template when submitting NOI via telephone.

- The office assistant transcribes NOIs left on voice mail to an NOI log, ensures the NOIs are given to the proper district office and files NOIs in binders according to month and district office. Licensed PUE staff in each district office review NOIs at least daily. Each NOI is signed off by licensed staff.
- Each year we perform presite inspections on at least 5% of the submitted NOIs. It is our goal to complete presite inspections on 7.5% of all submitted NOIs.
- For permit amendments, a notation is made on the permit for small changes. Larger, more significant changes require the permittee to sign and to date the amendment. In some instances, changes can be made via the fax machine.
- Butte County hosts at least one Continuing Education Laws and Regulations workshop per year.

RMP - Strengths

- The Butte County Department of Agriculture is not currently fully staffed. On August 3, 2007 our assistant commissioner resigned. In 2007/2008, our department will work towards becoming fully staffed. Currently, our licensed PUE staff is experienced in restricted material permitting.
- The staff's experience and knowledge of local conditions helps to reduce substantial adverse environmental impacts. Having three offices located in different areas of the county allows the inspectors to concentrate on their district and to gain experience in a localized area instead of the entire county.
- Issuance of one-year permits allows for all crops allows for regular review of permits, reducing the potential for adverse impacts.
- Development of comprehensive General Information and Worker Protection Standard (WPS) forms gives the permittees an easy-to-read explanation of the regulations they are required to follow. Prior to the 2007 permit renewal season, we included a reminder on the General Information Handout informing growers that Glyphosate products and non-exempt organic products are pesticides and their use must be reported on monthly use reports and anyone "using" these products are considered "Pesticide Handlers."
- Since FY 05/06, the Ag GIS mapping program in the Oroville and Chico offices has significantly increased the overall consistency, accuracy and quality of permittee maps.
- In the last year, we have continued to increase grower awareness and compliance with the regulation to have a Letter of Authorization signed by all required parties and on file (when applicable).
- Our percentage of presite application inspections is consistently higher than the required 5%; in FY 06/07 it was 6%.
- We have a consistent program of Pesticide Use Reporting enforcement. Each permittee's PUR history is evaluated before a RMP is reissued. Compliance and enforcement action is taken as necessary.
- Our permittees holding restricted material permits for rice chemicals have a history of good compliance with our rice chemical permit conditions and seepage requirements. This is due to Butte County's history of permittee education and enforcement of the regulations.

RMP – Areas That Need Improving

- Increase efforts to review permittee data page for accuracy, i.e. phone numbers, addresses.
- The Gridley district office is still using the RMPP and is not set up to use the Ag GIS program.

- Our maps, though much improved, need to have a more consistent and accurate system of marking adjacent homes and sensitive areas.
- We need to develop a system to track non-ag restricted material permittee NOI compliance.
- At permit renewal, permittees are asked if they have employees who handle pesticides. Recent non-compliances indicate that some growers may not understand the question and may still not consider non-restricted herbicides to fall under the definition of pesticides. Inspectors will need to ask more target questions when permittees respond that they have NO employees that handle pesticides.
- PUR submittal by organically registered and/or certified growers using non-exempt pesticides is not at the level it should be.
- NOI submittal/compliance for non-production agricultural restricted herbicide applications needs improvement. These applications apply mainly to phenoxy applications for weed control on roads and field borders.

RMP – Goals or Objectives

- The goal of the Butte County Department of Agriculture is the commitment to improve the business process associated with the evaluation of restricted materials permit applications, review NOIs and to use the information to determine potential risks and to prevent adverse effects of the application of restricted materials.

RMP - Deliverables

- Enforce laws, regulations and follow Department of Pesticide Regulation (DPR) guidelines.
- Issue permits utilizing the “Ag GIS” permitting system that incorporates GIS fields in a timely manner. Until a system is installed that allows additional homes and other sensitive areas to be added to the mapping system, these sensitive areas will be marked on each map by hand after the map has been printed.
- Evaluate feasibility of setting up the “Ag GIS” program in the Gridley district office in the upcoming year.
- Evaluate permits for adverse environmental impacts.
- Approve, deny, condition permits as necessary.
- Permit denials for pesticides shall be documented on a proper denial form and counted on the PRAMR and filed.
- Record and evaluate and sign-off on all NOIs by licensed PUE staff.
- Incorporate a system of periodic NOI compliance checks.
- Review permits for completeness and accuracy concentrating on current phone numbers, addresses, acreage, proper commodity codes and if permittee employs workers that handle pesticides. Ask targeted questions to ensure that the permittee understands the meaning of “handle” and that “pesticide” does include all herbicides.
- Address problem areas with training, timelines and follow-up reviews.
- Beginning in the 2007/2008 permit season, we will move up our permit renewal start date to the beginning of December. The early start will allow the Chico District Office to get a jump on the permit season and lessen the number of permits scheduled on a daily basis. This will allow for more time to be spent on pesticide monitoring in the field.

- Review the permit evaluation process with licensed staff and with our DPR liaison on a quarterly basis.
- Work towards increased compliance of pesticide use reporting regulations, ensuring that PURs are submitted in a timely and accurate manner.
- Compile a list of non-agricultural restricted material permittees and periodically review NOI log to ensure NOI compliance.
- Develop a system to track PUR submittal by “organic” growers using non-exempt pesticides.
 - Identify out-of-compliance growers
 - Educate identified growers
 - Implement ERP guidelines when applicable.
- Evaluate if PUR submittal compliance is improving with continued enforcement.

RMP - Measures of Success

- The best measure of success is the yearly evaluation of our permit process for deficiencies. This will include:
 - A review of RM permits for accuracy, timeliness, map consistency, Letter of Authorizations, if needed, and the issuance of proper forms.
 - Non-compliances -- could more effective permit issuance prevented or mitigated some of the year's non-compliances.
 - PRAMR data.
- We will discuss with licensed staff and DPR Enforcement Branch Liaison (EBL) our permit evaluation process periodically to find deficiencies (if any) and develop a plan of action to address identified deficiencies or area of concern.

Site-Monitoring Plan Development (SMDP)

Site-Monitoring Plan Development (SMDP)

- Approximately 5,466 annual sites.
- The majority of the permits issued are for phenoxy herbicides, paraquat, aluminum phosphide, strychnine, carbaryl, molinate and cyhalofop butyl.
- The county's main crops are almonds, rice, walnuts, prunes and peaches.
- A minimum of five percent of the sites identified in permits or NOIs will be monitored by licensed staff.
- Monitoring will include evaluation of the basis for the intended application including:
 - The basis for the intended application including written recommendation.
 - Toxicity of material. Category I are first priority, environmental concerns, i.e. endangered species, buffer zone areas, school areas, ag-urban interface areas, ground water protection areas, problem areas identified from previous years, section 18 registrations, etc.
 - Permit holders with a recorded non-compliance will be monitored more frequently.
- Inspections will be spread throughout the county, with priority given to those who submit NOIs infrequently.
- All non-agricultural permittees are required to submit an NOI each year for the first application of each restricted material and every time they apply a restricted material to an acre or more.

- Copies of all inspections will be kept in permit holder files to address non-compliance history and increased monitoring needs.

SMDP - Strengths

- Our department consistently monitors submitted NOIs and completes considerably more presite inspections than the required 5%.
- Though our county has a large amount of RM permits, the majority of our agriculture is the production of rice and orchard crops. This allows our licensed staff to familiarize themselves with the pesticides applied and the application patterns of the majority of our growers.
- Districts allow our licensed inspectors to know the areas they monitor and the changes that occur in those areas, i.e. urban development, new permittees, new farming practices.
- The 2006/2007 development of a new Notice of Intent Log that required more evaluation by our licensed inspectors. We will the use of the “new” NOI log throughout 2007/2008 and 2008/2009.

SMDP - Areas That Need Improving

- Licensed inspectors not familiar with a site should have a map of the site with them in the field each time a presite inspection is completed. During a presite inspection, deficiencies and/or inaccuracies on the map should be noted and updated upon returning to the office.
- Review Pest Control Advisor recommendations to assist in assessment of NOI.
- More time should be taken in review of NOIs, ensuring that the permittee has a current permit, the crop listed for the site is the same as on the current permit, pesticide listed on the NOI is labeled for use on the crop and checking maps for sensitive areas.

SMDP - Goal or Objective

- A commitment to implement measures that ensure the site monitoring plan takes into consideration pesticide hazards such as, but not limited to, agriculture/urban interface, ground water protection areas, local conditions such as the rice monitoring program, cropping and field work patterns and handler, permittee, and advisor compliance histories.
- A goal of 5% of the NOIs received to have presites conducted each fiscal year. This will help identify sensitive areas or changes in the surrounding environment to application sites prior to the pesticide application being conducted.

SMDP - Deliverables

- Rice monitoring program
 - Conduct and document at least 200 water hold inspections to assure that no illegal releases occur.
 - Monitor rice pesticide applications to ensure compliance with worker safety, buffer zone requirements, and Butte County permit conditions.
- Agriculture/urban pesticide applications
 - Monitor applications to ensure safety to residences, schools and businesses.
- Ground Water Protection Areas (GWPA)
 - Track GWPA to ensure that prohibited GWPA pesticides are not applied in those areas.

- Track pesticide permits in GWPA and focus on conducting application inspections to ensure that no GWPA chemicals are used.
- Completely review each notice of intent to ensure:
 - A valid Restricted Materials Permit (RMP) was issued for the material to be applied to the intended site.
 - If applicable, review Pest Control Advisor recommendation.
 - Crop or application site is allowed by label/Section 18/permit conditions
 - Method of application is allowed by pesticide label & permit conditions
 - Dilution/volume per acre is appropriate
 - Material is appropriate for pest to be controlled
 - Surrounding areas will not be adversely impacted by the application
- ~4000 NOIs are reviewed by this department on average every year (4,381 in 06/07 and 3,891 in 05/06); during the 06/07 fiscal year 264 (6%) presite application inspections were conducted and in the 05/06 fiscal year 289 (7.42%) presite application inspections were conducted.
 - Achieve 5% NOI presite inspections.
 - Presite inspections will include an evaluation of the current permit holder's map(s) to ensure any deficiency or inaccuracy is corrected.
- Address problem areas with training, timelines and follow-up reviews.
 - Make sure that all NOIs are approved or disapproved by licensed staff.
 - All NOIs that are denied shall be followed-up with a proper NOI denial form and counted for the PRAMR and filed.

SMDP - Measures of Success

- The best measure of success is the continuous evaluation of our site-monitoring plan for deficiencies, including:
 - Compliance with the rice monitoring program (targeted applications and number of water hold inspections) will indicate how well our department is monitoring this program.
 - Assessing the number of complaints received from agriculture/urban interfaces will help evaluate needs to address pesticide issues.
 - Conducting pesticide use monitoring activities by focusing in on NOIs in GWPA will assure that pesticides not approved for such areas are not applied.
 - Periodic review by licensed staff and by our DPR Enforcement Branch Liaison (EBL) will help in analyzing our measure of success in this program.
 - Our department will commit to implement, assess and amend our site-monitoring plan as needed. This will include “new” pesticides to focus on, environmental factors that need addressing, new priority programs put into place by this department or DPR or an outside agency. This department will document our assessment findings and any changes to our site-monitoring plan.

B. Compliance Monitoring

Compliance Monitoring (CM)

- Inspections are performed by 8 licensed and trained staff members:
 - 2 - Supervising Biologists – 20% of their duties
 - 2 - Senior Biologists - 30% of their duties
 - 4 - Inspector I, II, III - 25% of their duties
- Inspections are performed:
 - August – March, Monday through Friday, 7:30 am – 5:00 pm.
 - April – July, 7 days a week, 5:30 am – 5:00 pm
- 23% of our inspections are scheduled. In 2006/2007, the number of commodity fumigations increased due to export requirement changes. The increase in these inspections should be back to the normal 23% in the 2007/2008 and 2008/2009 fiscal years.
 - Fumigation inspections
 - Headquarter Inspections
 - Worker safety Inspections
 - Dealer/PCA Inspections
 - Non-Ag first-time RM use inspections
- 27% of our inspections are targeted inspections, prioritized by:
 - Chemical hazard
 - Environmental concerns
 - Applicator compliance history
 - Concerns of adjacent or nearby homeowners or landowners
 - Agricultural/urban interface issues
- 50% of our inspections are random.
 - General production agricultural applications including a focus on periods of increased pesticide usage during bloom sprays dormant applications and rice pesticide application periods
 - Maintenance gardener, structural and other non- production agricultural applications
- Grower headquarter inspections with employees are scheduled every 5 years. Inspection frequency increases if non-compliance level increases.
 - Butte County currently has approximately 340 documented growers with employees. Staff levels do not allow a higher frequency goal for our headquarter inspections.
- Pest Control Operator (PCO) headquarter inspections are scheduled every 1-2 years. Production agricultural inspections every year, structural and maintenance gardener inspections every 2 years. Inspection frequency increases if non-compliance level increases
- Analysis of our inspection activities during FY 06/07 showed a reduction in the non-compliance rate:

	Non-Compliance % Rate			
Type of Inspection	FY 03/04	FY 04/05	FY 05/06	FY 06/07
Overall Non-compliance Rate	Not Available	31.40%	10.53%	8.35%
Pesticide Use Monitoring	12%	19.57%	10.95%	8.75%
Pest Control Records Inspections (ALL)	64%	27.35%	10.44%	7.14%
Structural Pesticide Use Monitoring	35%	48.15%	4.76%	7.14%

CM - Strengths

- The distribution of the county workload in three distinct districts allows the inspectors to become familiar with the pesticide usage, cropping patterns and compliance history of the growers in their areas.
- The large size of each of the districts and the lack of dedicated PUE staff does not allow the inspectors to be so familiar they become complacent with regards to monitoring activities.
- An effective targeted inspection plan utilizing the following components:
 - Implementation of a comprehensive GIS site mapping program.
 - Centralized Notice of Intent system to help assist staff in two district offices.
 - Implementation of a non-compliance tracking system utilizing copies of all inspections in permittee file.
 - Chemical hazard/proximity to adjacent or nearby sensitive or urban areas.
- Increased compliance monitoring activities at sites near areas identified to be environmentally sensitive such as schools, daycare centers, agriculture/urban interfaces, and wildlife areas or in areas that have pesticide sensitive individuals.
- A scheduled inspection process that is effectively identifying non-compliances during property operator worker safety training and record keeping inspections.
- Frequency of management involvement in staff inspection activities has been successfully increased to semi-annually.

CM - Areas That Need Improving:

- Uniform enforcement implementation throughout the county enforcement districts.
- Maintaining up-to-date files for non-compliances in permittee files.
- Uniform completion of application inspection forms, including:
 - An explanation of each non-compliance listed in the “remarks” section or on a supplement form.
 - Checking the appropriate box and knowing when “N/A” is the appropriate box to check.
 - Including an actual label from the worksite or including a picture of the EPA number and PPE requirements taken from the label at the worksite with the final inspection.
- Consistent use of PUE manuals during the inspection, if questions arise.

CM - Goals and Objectives:

- To increase compliance with pesticide laws and regulations involving pesticide use within Butte County.
- A commitment to implement a comprehensive compliance inspection plan, based on the findings of the evaluation identified above, to ensure pesticide users are adequately monitored throughout the county.
 - Special focus will be placed on areas of non-compliance identified during property operator headquarters safety inspections.
- To create and utilize a computer program designed to track permittee history including inspections, compliance and enforcement actions.

CM - Deliverables

- When multiple worker safety violations are discovered during monitoring inspection activities, a headquarters inspection will be performed where feasible.
- Management will perform semi-annual “oversight inspections” for each enforcement biologist during each fiscal year.
- District biologists will be rotated into other districts' areas to help assess variations in enforcement stance within the county districts.
- Management will conduct periodic reviews of inconsistencies in inspection form completion with staff to increase consistency within the county.
- An addition to the Butte County Work Plan (county use only) was added in FY 06/07 to address uniform completion of pesticide application inspection forms. This addition addresses how to document a non-compliance in the “Remarks” section of the form, learning when it is appropriate to check the “N/A” box and including an original label or a picture of the original label taken at the use site.
- Biologists will be reminded to consistently have their PUE manual with them in the field and to refer to their manual when questions arise.
- All original inspection forms will be kept in the permittee permit file in the Oroville office. Additionally, a copy of each inspection shall be filed in the permittee file at the appropriate district office (if applicable).

CM - Measuring Success

Based on our inspection program evaluation the following inspection goals were determined to be implemented for FY 2007/2008 and 2008/2009:

PRE-SITE APPLICATION	5.0%
MIX & LOAD	
PROPERTY OWNERS	25
BUSINESS	35
HEADQUARTERS/EMPLOYEE SAFETY	
GROWERS/OTHERS	40
BUSINESS	20
STRUCTURAL	20
APPLICATION INSPECTION	
GROWERS	40
BUSINESS	50
STRUCTURAL PEST CONTROL	
BRANCH 1	Attempt 100% inspection
BRANCH 2/3	10
COMMODITY FUMIGATION INSPECTION	4
FIELD FUMIGATION INSPECTION	Attempt 100% inspection
FIELD WORKER SAFETY INSPECTION	5
PEST CONTROL BUSINESS RECORDS	
PESTICIDE DEALER	Attempt 100% inspection
ADVISER	5
WATER HOLD INSPECTIONS	200
Investigations:	
Human & Environmental Effects Property Loss Etc. = 100% INSPECTION	

Butte County is not currently fully staffed. Our newest biologist was hired in July 2005. We have set the inspection target numbers above to reflect that of a seasoned staff. At this time, it is too early to predict when our department will again be fully staffed and if this shortage in staff will affect our 2007/2008 inspections. If no further staffing changes occur, we should be able to meet our target inspections in FY 08/09.

Targeted surveillance activities will be carried out during the Rice Pesticide Program as in past years. We will also perform targeted surveillance when needed as determined by environmental concerns and applicator compliance history. Targeted inspections will be used to most efficiently focus manpower on areas of the enforcement program to improve compliance within the county. Management staff will completely review all inspection reports and activities of the enforcement personnel. All non-compliances will be tracked and followed up on as required. Management will accompany enforcement staff during inspection activities throughout the year and perform

“oversight” inspections to assess activities in the field and make changes as warranted to ensure an effective program.

CM - Measures of Success

- The goal of a comprehensive inspection plan is to increase compliance. A decrease in non-compliances found can be an effective indicator of success if all other things are equal. Striving to increase the effectiveness of our compliance activities by further refining focused and targeted inspection schemes may, in the short term, increase the number of non-compliances identified. A decrease in the number of non-compliances found during FY 06/07 will be a good measure of the effectiveness of our implemented program changes.
- Our current plan will allow for flexibility for changes that may occur with pesticide use activities or with changes in priorities within the county or at the state level. Periodic review by licensed staff and by our DPR EBL will help in analyzing our measure of success in this program.

Investigation Response and Reporting Improvement

Investigation Response and Reporting (IRR)

- Pesticide-related investigations are conducted by all Agricultural staff.
 - Assistant is responsible for enforcement relating to all investigations.
 - Deputy is responsible for oversight on all investigations
 - Senior Biologists/supervisors are responsible for priority investigations and 60% of all other investigations.
 - Inspector IIIs are responsible for 20% of all investigations.
 - Inspector IIs are responsible for 20% of all investigations.
- History: The Butte County Department of Agriculture received 30 episode notifications for the calendar years 2002, 2003 and 2004.
 - Two priority investigations. Both priority investigations were initiated within two days and were completed on time. Each of these two priority investigations had all the information necessary to provide preliminary findings to the Regional Office within 15 days of notification.
 - 28 Non-priority investigations were conducted. 27 received timely initiations and 25 were completed in 120 days.
 - Less than 2% of all investigation reports were incomplete or lacked supporting documentation as Butte County evidenced no returned reports.
- The primary reason for failure to initiate investigations is due to the lack of receipt of the Doctors First Report and/or other paperwork notifying the Butte County Department of Agriculture of the investigation to complete. This has greatly improved due to the contract with CPCS (California Poison Control System).
 - In Spring 2006, the Butte County Department of Agriculture initiated contact with the primary emergency medical facilities in Butte County in hopes of gaining more compliance with the pesticide-related illness reporting regulations (i.e., Doctor's First report submittal).
 - EBLs Donna Marciano and Ken Everett joined a Butte County inspector, Katharine Padgett, at these meetings. The majority of the medical staff that they spoke to were not familiar with the reporting requirements.

- The primary reason for failure to complete investigations/reports is due to inability to make contact with the parties involved in the investigation and medical facilities not responding to record requests in a timely manner.
- 2005/2006: The Butte County Department of Agriculture received eight (8) episode notifications for FY 05/06.
 - One Priority Investigation. The (1) priority investigation was initiated within two days and completed on time. The priority investigation had all the information necessary to provide preliminary findings to the Regional Office within 15 days of notification.
 - Seven (7) non-priority investigations were conducted. All received timely initiations and all were completed in 120 days.
- 2006/2007: The Butte County Department of Agriculture received eight (8) episode notifications for FY 06/07.
 - 0 Priority Episode Investigations.
 - Eight (8) Non-Priority Episode Investigations were conducted.
 - All eight (8) investigations received timely initiation and all were completed within 120 days.

IRR - Strengths

- The current investigation response process strengths are:
 - Investigators are experienced and have good writing skills
 - A good, basic investigation write-up format is provided to staff
 - Timelines established with staff for turnaround times of investigations
 - Tracking by Deputy CAC for timeliness
 - Compliance/Investigation log as per ENF 95-043
 - In 2005, digital cameras were issued to each biologist. The main purpose of these cameras were for supporting evidence for all pesticide-related investigations and enforcement.
- In 2005, the Butte County Department of Agriculture implemented the use of a Complaint Form (departmental use only). This form has increased documentation and tracking of each of the complaints received by the county. The form documents the complaint, the basic contact information and the disposition of the complaint. Each complaint form is then noted on the Pesticide Complaint Log.

IRR - Areas That Need Improving

- Areas identified as needing improvement are:
 - Creative and complete information gathering skills
 - Integration of digital cameras into PUE functions
 - Completion of contact logs in a more thorough manner
 - Clarification of departmental approval process for major investigation decisions, such as sample gathering, processing and submittal processes.

IRR - Goal or Objective

- A commitment to implement an investigation response plan, based on the findings of the evaluation identified above to ensure all investigations are completed in a timely manner with accurate and supportive information.

IRR - Deliverables

- ♦ Timely initiation and completion of all priority and non-priority investigations.
 - Start priority episode investigations within two (2) working days of receipt
 - Submit preliminary update on priority investigation to DPR within 15 days
 - Require assistance from DPR staff liaison in priority investigations
 - Complete all investigative reports within 120 days
- Development and use of investigation plan
- Thorough report preparation, including the use of contacts logs and digital photographs to support the investigation.
- Inspectors will be encouraged to develop their information gathering skills and to think creatively when gathering information.
- Inspectors will be expected to complete a thorough and accurate investigation in a timely manner.
- New inspectors will be paired with more experienced staff until they have gained enough experience to complete an investigation themselves.
- Utilize the investigative response plan.
- Tracking system for assuring episode notifications and investigations are completed in a timely manner.

IRR - Measures of Success

- The best measure of success is the yearly evaluation of our investigation and response reporting for deficiencies. We will discuss with licensed staff and the DPR EBL our investigation and response reporting process periodically to find any deficiencies and develop a plan of action to address identified deficiencies or areas of concern. Periodic review of all investigations will be imperative to assure that all priority investigations be reported to the EBL immediately and a 15-day report is submitted. Additionally, complete all priority investigations within 60 days of the date of the priority incident or when the Butte County Department of Agriculture was notified of the incident. All non-priority investigations are completed within 120 days. The number of returned or incomplete investigations will also show a direct correlation to the success of this program.

The Butte County Department of Agriculture has identified that our investigative response and reporting has resulted in thorough and timely completion of episode investigations and an increase in compliance with the initiation and completion of our county program. The investigations that were conducted were effective in fact finding and information gathering. The investigative reports were not always conclusive in explaining why or how the episode occurred, but presented the facts in an orderly manner. The investigations allowed us to take appropriate enforcement action when causal violations were discovered. The Butte County Department of Agriculture program includes episode prevention education to prevent similar episodes from reoccurring at the local applicator or business program level.

C. Enforcement Response

Enforcement Response Evaluation

Current Enforcement Response Practices (CERP)

- Inspections and investigations (pesticide illness investigations & complaints) are reviewed by the District Supervising Agricultural Biologists and then by the Deputy Agricultural Commissioner.
- Those that indicate a non-compliance have a Butte County Department of Agriculture enforcement recommendation form attached for further compliance or enforcement action (if deemed necessary). This form allows the agricultural biologists to make a recommendation on compliance or enforcement action based on the monitoring inspection conducted. The monitoring and recommendation form is then reviewed by the supervisor and then the deputy; each has an opportunity to make a recommendation on the type of action they recommend.
- The non-compliance is reviewed lastly by the assistant agricultural commissioner. The enforcement guidelines (issued jointly by DPR and CACASA) are followed. The decision as to the appropriate action is made by the Deputy in conjunction with the Assistant Agricultural Commissioner with input from any Biologist that has information that is pertinent to that action.
- During this meeting, the investigation or inspection is reviewed to ensure that adequate evidence is present to prove any cited violations. If the evidence is inadequate to prove the violation, the case is returned to the inspector for further investigation or if inadequate evidence is available, the case is returned to the inspector with justification as to why we are not taking any type of enforcement response relating to the non-compliance. All non-compliances are addressed and whatever action or inaction response is documented as per DPR's Enforcement Response Regulation.
- Actions, depending on the type, compliance or enforcement actions are handled differently. Most all compliance actions are written by the inspectors and are reviewed by the District Supervising Agricultural Biologist and the Deputy CAC. The Deputy CAC also issues compliance actions. All enforcement actions are proposed by the Deputy to the Assistant Agricultural Commissioner. The Assistant writes all enforcement actions and forwards them to the Commissioner for approval and signature.
- Compliance and enforcement actions are to be completed and turned into the Deputy for review prior to the end of the month in which the inspection took place (approximately 2-3 weeks). In most cases, actions should be delivered to the respondent within 45 days of the inspection or completion of investigation.
- The Assistant CAC is responsible for maintaining a log of all enforcement actions: their status certified mailing, etc. This log is reviewed by the Assistant CAC every month when preparing the PRAMR.

CERP - Strengths

- When properly followed (and not interrupted by other office emergencies), these practices result in a timely response to non-compliances.
- Use of PUE inspectors when deciding actions helps to get all the mitigating factors out on the table prior to taking an action and also results in more even and consistent enforcement.
- Review of evidence at the PUE staff meetings & returning those with inadequate evidence helps inspectors to understand what level of evidence is needed to prove a non-compliance and leads to more complete future inspections or investigations.

- Documentation of review of all non-compliances is necessary if our program is ever monitored by the public and also during oversight of our program by DPR.

CERP - Areas That Need Improving

- Currently, PUE staff meetings are not regularly set. Scheduled PUE staff meetings would help promote uniformity in enforcement response and timeliness of all action decisions.
- Non-compliances that are brought to light through some means other than inspection or investigation do not get addressed in a timely manner.
- Implementing the ERR may initially slow the process in 2007/2008, as the policy is new and a foundation for positive implementation in Butte County will need to be established.

CERP - Goal or Objective

- The goal of the enforcement response plan summarized above is to provide a swift and fair response to non-compliances that result in future compliance by the respondent. The actions must be consistent and fair in order to maintain the respect of the regulated industry as well as maintaining the integrity of this office.

CERP - Deliverables

- Consideration of all appropriate enforcement options.
- Application of the Enforcement Response Regulation in a fair and consistent manner. Work to develop a foundation for consistent implementation of the ERR in Butte County. Periodically review progress and address strengths and areas that need improvement.
- Address all non-compliances in a timely and consistent manner.
- Use of Citable Sections as a resource.
- Application of the Fine Guidelines
 - Timely response
- Set PUE staff meetings on a regular schedule
- Each month non-compliances actions are reviewed by the Deputy
- Deputy maintains copy of any outstanding non-compliance to ensure the actions are completed in a timely manner.
- Schedule or Milestones
 - Day 1 - Inspection or investigation completion with evidence of non-compliance
 - Days 2-7 – Turn in to supervisor for review and recommendation
 - Days 7-14 – Turn in to Deputy for review and recommendation
 - Days 14-21 – Inspection reviewed by Deputy, if non-compliances noted and recommendation are for compliance or enforcement action.
 - Days 21-28 – PUE meeting/conversation held where non-compliance is reviewed and action decision is made; returned to inspector for compliance action
 - Day 28-35 – Enforcement actions written by assistant agricultural commissioner– if compliance action, it is then forwarded to support staff for mailing – if enforcement action, it is then forwarded to agricultural commissioner for secondary review and approval
 - Day <45 – Commissioner signs action and then it is returned to assistant agricultural commissioner for routing to support staff for mailing

CERP - Measure Success

- The best measure of success of the enforcement response program is the resulting compliance record of those entities that have been affected by the program.
 - Monitor the compliance history of those businesses that have received actions from our enforcement response program to see if their compliance has indeed increased. There should also be an improvement in the compliance of other entities that have not been directly affected by our enforcement response program just through peer or industry contact, but that would be difficult, if not impossible, to measure in many cases.
 - An example would be the timeliness of PUR submission. When we adopted a vigorous enforcement response program for late submission, the timeliness of PUR submission increased dramatically over a year-long period.